

1-16-2021

In the United States  
District Court for the Western District  
of Virginia Roanoke Division

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JAN 25 2021

JULIA C. DUDLEY, CLERK  
BY: *A. Beeson*  
DEPUTY CLERK

United States of America

v.

( 7:17-CR-00033-01 )

Bobby Nelson Collins Jr.

Your Honorable Judge  
[ Elizabeth K. Dillon ]

On November 16<sup>th</sup> 2020, you granted my request for appointment of counsel to represent me for purposes of a motion for compassionate release under the First Step Act. This day Nov. 16<sup>th</sup> 2020 you ordered the federal public defender to file any supplement to my motion within seven (7) day of your order.

On January 6<sup>th</sup> 2021 via conference call I made contact with federal public defender Mr. Duncan attorney at law in the office of Roanoke Va. division. Mr. Duncan told me he would not file a motion for compassionate release on my behalf. Mr. Duncan felt I did not meet the second qualification of extraordinary and compelling reasons due to me having not completed 50% for my sentence. Which I do not understand Mr. Duncan's interpretation of 3553(a) title 18. There is no set amount of completion required in ones sentence to be granted compassionate release in the First Step act. The following cases can attest to this fact;

Many United States District courts have granted compassionate release where the defendant had served less than 50% of sentence imposed eg. *U.S. v RODRIGUEZ ACIDO* case no. 19CR 3539 44 SD CAL. July 2020 (served 11 months of 37 month sentence). *U.S. v TORRES* 2020 WL 4019038 SD FLA. July 14<sup>th</sup> 2020 (served 5 months of 24 month sentence). *U.S. v. Loyd* case no. CR 15 20394-1 2020 WL 2572275 ED MICH. May 21<sup>st</sup> 2020 (Released after 3 years of 10 year sentence). *U.S. v Locke* case no. 18CR 132 2020 WL 3101016 at 1, 6 WD WASH. June 11<sup>th</sup> 2020 (compassionate release after serving no more than 6 months of 62 month sentence). *U.S. v BROWN* case no. 218CR 360 DKT NO. 35 ND ALA. May 22<sup>nd</sup> 2020 (granted compassionate release to defendant 11 months into 60 month sentence). *U.S. v. BEN YAHW* F. SUPP. 3d., 2020 WL 1874125, at 2 D. HAW. April 13<sup>th</sup> 2020 (granting compassionate release to defendant less than 13 months into 60 month sentence). *U.S. v. Delgado* 2020 WL 2464685 at 1, 4 D. CONN. April 30<sup>th</sup> 2020 (granting compassionate release to defendant 29 months into 120 month sentence). These people plus several more have been granted compassionate release without completing 50% of their sentences. Your Honor I do not know how to file a properly prepared motion for compassionate release nor argue any successful briefs. I know that since my last letter I sent, FCI CUMBERLAND has had a surge in positive cases. On 1-12-21 FCI CUMBERLAND posted a bulletin that said there is 31 active cases. The whole unit or block is under strict quarantine. Today AW WEDER made rounds and stated "We are trying to get a handle on this. This news is hot here at CUMBERLAND FCI. Maryland in general is a hot bed for COVID-19." quoted Jan. 15<sup>th</sup> 2021.



no power if you can assign counsel to

Like my previous letter Judge Dillon, I don't want my life to end here at FCI CUMBERLAND. I have extraordinary and compelling reasons to be granted compassionate release. I have the greatest risk factors of dying if I contracted the coronavirus. I have a Body MASS INDEX over 40, I am severely obese, I have severe high blood pressure [Hypertension], I have inflammation of the liver [Hepatitis C]. According to scientist COVID-19 is particularly dangerous to obese people in part because the coronavirus enters the body through ACE2 receptor an enzyme found both in fat tissue, making patients carrying extra body weight more vulnerable to a high viral load. Obesity also is associated with shortness of breath and hyper inflammation both of which make it harder for the body to fight viral infection. "The virus frankly has an easier job replicating itself in obese patients" said JOHN MORTON HEAD OF YALE MEDICAL.

Dr. MATTHEW M. HUTTER professor at HARVARD MEDICAL president of AMERICAN SOCIETY OF METABOLIC AND BARIATRIC SURGERY quoted saying "We've realized that patients with obesity are at a much higher risk for serious cases of COVID-19." Public health officials "obesity and the related problems of diabetes and hypertension were among the biggest Risk Factors for COVID-19." This is extreme circumstances and an issue that me the defendant considering my several risk factors.

Your Honor I am a layman to the litigation process needed to properly litigate an effective compassionate release motion. So I ask the courts to consider this when judging my case for compassionate release.

So please if you can assign counsel to litigate this motion properly for me. Mr. Duncan must not be aware of the cases I cited above, nor of the medical reports cited. I understand this is all new territory and mitigating circumstances that need a little research to get to the facts and implications of the First Step Act's compassionate release statute being we are in the throes of the global pandemic.

Your Honor being that I have been in some form of quarantine since April 28<sup>th</sup> 2020. I have only been able to complete the ACE packets that have been given out. While in the quarantine unit at FCI GILMER I was hired on as an orderly and since arriving here at FCI CUMBERLAND I have completed two ACE packets. Prior to me coming to the Bureau of Prisons I took and completed several rehabilitative courses offered at Western Regional Jail in which I sent you copies of my certificates along with a letter of recommendation from Blue Ridge behavioral health services. I have put forth effort to take my incarceration seriously and I have applied myself to rehabilitation since getting arrested February 17<sup>th</sup> 2017. I completed the drug program at Western, I was accepted into phase two out patient care at Blue Ridge prior to coming to the BOP. As you already know because you have my certificates in my file.

Your Honor I would like for you to consider these accomplishments and apply them where as you would if I had completed them in the B.O.P. This is yet again new territory, this pandemic calls for different tactics and operations. I have done all that has been offered concerning rehabilitations during these times.



The coronavirus pandemic has kept me on some form of lock down, in which has not stop the inmate population from contracting the virus. The vaccine does not stop the virus from being transmitted. But being able to socially distance from the staff, which is impossible being in the B.O.P there is no safe way to avoid contraction. Its like being a duck in a barrel just waiting to have my number called.

Your Honor please consider my life and grant me compassionate release. I have completed a fictional book yet to be published though. I have written a proposal for a non profit organization called "Education over incarceration". I would like to leave you with a quote from Fredrick Douglass "To educate a man is to make him unfit to be a slave."

So many times I was a slave to my addictions, my emotions, my desires... For all things work together for my good because greater is he that is in me than he that is in the world.

Respectfully Submitted.



BOBBY NELSON COLLINS Jr. pro se

1-16-2021

Certificate of Service

I BOBBY NELSON COLLINS JR, comes now pro se, requesting the clerk of courts for the United States District court for the Western District of Virginia Roanoke Division, file the letter dated 1-16-2021 Criminal action No. 7:17-cr-00033-01. I swear a true copy has been sent in my hand via United States Postal service January 18<sup>th</sup> 2021 to: United States District Court, office of the Clerk, 210 Franklin Rd., RM 540 Roanoke VA 24011.

Respectfully Requested

BN

Bobby Nelson Collins Jr pro se

ENCLOSURE

(5) FIVE PAGE(S)

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 24011



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